

**REMARKS**

Applicants have carefully reviewed the Office Action dated. Claims 1-69 are pending in this application. Applicants have amended Claims 1 and 16 has been amended to more clearly point out the present inventive concept. Claims 47-69 have been canceled. Reconsideration and favorable action is respectfully requested.

The Examiner noted that the Information Disclosure Statement filed October 19, 2000, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and non-US documents. Applicants have prepared and herein submit a Supplemental Information Disclosure Statement forwarding all non-US documents as required by the Examiner.

In this application, Claims 47 -69 have been canceled to simplify the prosecution of this case, being understood that Applicants reserve the rights to add these claims at a later time in a *Divisional* or *Continuation* application.

With respect to the remaining claims, Claim 16 has been objected to for some informalities. These have been corrected and Claim 16 is now believed to overcome such objections.

Of the remaining claims, Claims 1-7, 14-17, 24 and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Swartz et al.* This rejection is respectfully traversed.

As amended, the invention defined by the claims is directed toward a system for scanning a barcode. This is comprised of a radiant energy generator, an LED, that directs energy toward the surface of an object having a barcode disposed thereon as a spot. The radiant energy is directed at such angle such that the reflected light along a longitudinal axis diverges therefrom. A collimating lens then collimates the light along the longitudinal axis toward and perpendicular to an aperture, which aperture improves the contrast and increases the signal-to-noise ratio thereof. This aperture is disposed along the longitudinal axis in the collimating light beam between the collimating lense and a photodetector

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surface.

The *Swartz* reference uses a line generator. Also, it utilizes a photodetector that would detect the contents of the entire line. Applicants' present inventive concept differs in that it is directed toward the sensing of a "spot." The object of Applicants' present inventive concept is to provide a collimating lens that would collimate the received light along the longitudinal axis and directed toward an aperture disposed perpendicular thereto. This allows a very simple construction which requires the radiant energy source to be disposed at a fixed angle to the surface of the scanned device and relative to the longitudinal axis of the optical system. *Swartz* provides a scanning system for scanning of the entire line and reproducing the entire line through the aperture onto the photoprotector. Although there might be one beam that would be perpendicular, there is no fixed relationship of the radiant source with respect to the longitudinal axis and with respect to the aperture disposed perpendicular to the longitudinal axis. As such, Applicants believe that *Swartz* does not anticipate the claims as amended and, therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §102(b) rejection with respect to Claim 1-7, 14-17, 24 and 25.

Claims 8-10 and 18-23 stand rejected under 34 U.S.C. 103(a) as being unpatentable over *Swartz et al.* and further in view of *Lipman et al.*. This rejection is respectfully traversed.

The addition of the *Lipman et al.* reference does not cure the deficiencies in the independent claim, Claim 1. As such, Applicants believe that, for the reasons described above, that Claims 8-10 and 18-23, all dependent from Claim 1, are not anticipated or obviated by the combination of *Swartz* and *Lipman et al.*. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 8-10 and 18-23.

Claims 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Swartz et al.* in view of *Eastman et al.* This rejection is respectfully traversed.

*Eastman et al.* does not cure the deficiencies noted hereinabove with respect to *Swartz et al.* in

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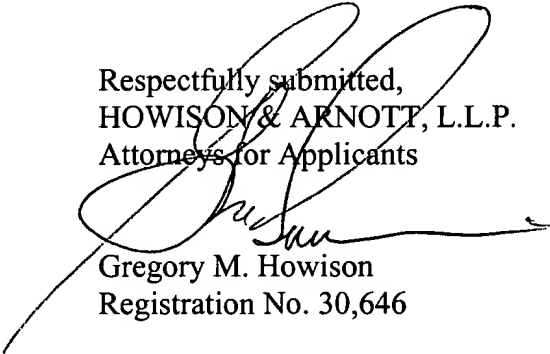
view of independent Claim 1, from which Claims 11-13 depend. Therefore, the combination of *Swartz et al* and *Eastman et al.* does not anticipate or obviate Applicants' present inventive concept. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 11-13.

Claims 26-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Swartz et al.* in view of *Seevers et al.* This rejection is respectfully traversed.

Claims 26-46 depend from Claim 1 and, therefore, for the reasons described hereinabove with respect to the argument in view of *Swartz et al.*, it is believed that the addition of *Seevers et al.* does not cure these deficiencies. Therefore, Applicants do not believe the combination of *Swartz* and *Seevers et al.* anticipates or obviates Applicants' present inventive concept, as defined by amended Claim 1. Dependent Claims 26-46, therefore, are not believed to be obviated under 35 U.S.C §103(a), the withdrawal of which is respectfully requested.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,087 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
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